

# **Transition of Township Assessor Duties, Changes to Personal Property and Upcoming Rules**

Department of Local Government Finance

Tim Rushenberg

General Counsel

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# Summary

- November 4 Township Assessor Referendum
- Transfer of Assessing Duties
- Compensation
- Upcoming Administrative Rules
- Personal Property Changes
- Elimination of Form 101



# November 4 Referendum

“Should the assessing duties of the elected township assessor in the township be transferred to the county assessor?”

**IC 36-2-15-7.4**



# November 4 Referendum

- County legislative body is required to certify the referendum question to the county election board.
- County clerk must call a meeting of the county election board to make arrangements for the referendum.
- Referendum held in the general election in November 2008 under the direction of the county election board.
- At least 10 days before the Nov. 2008 election, county election board publishes referendum question.

**IC 36-2-15-8**



# November 4 Referendum

County election board must certify the referendum question to the circuit court clerk by the county legislative body to be placed on the ballot and provide an adequate supply of ballots and voting equipment to the precinct election board of each precinct in the township where the referendum is to be held.

**IC 36-2-15-9**



# PTABOA

**"County assessor is recused from any action the county board [PTABOA] takes with respect to an assessment determination by the county assessor."**

**IC 6-1.1-15-1**



# Effect on Maximum Property Tax Levy

DLGF required to adjust the maximum permissible ad valorem property tax levy to reflect the transfer of records and operations to the county assessor.

**HEA 1001, Section 831**



# Remaining in Office Until End of Term

**“An elected township assessor” is entitled to remain in office until the end of his or her term.**

**HEA 1001, Section 832**





# Compensation

The compensation of the elected township assessor and trustee-assessor may not be decreased or increased for the year in which it is fixed.

**IC 36-6-8-10 and IC 36-2-5-13(a)**



# Dual Officeholding

A person may hold both the office of elected township assessor and deputy county assessor and may hold both the positions of trustee-assessor and deputy county assessor.

**May 9 AG Official Opinion 2008-2**



# Transfers to County Assessor

- All assessing records
- Real and personal property related to assessing duties
- Obligations outstanding related to assessing duties
- Funds on hand for the purpose of carrying out property assessment duties
- All revenue received after transfer date related to assessing duties

**HEA 1001, Section 834**



# Guidelines for Transfer

On or before May 15, 2008, each county assessor must convene a meeting or series of meetings consisting of all elected township assessors and trustee-assessors in their county to create a detailed timeline to complete the transfer of records and office operations.

*Our field reports indicate this went smoothly.*

**April 14, 2008 DLGF Memorandum: Transfer of Records, Property, Obligations and Funds to County Assessor**



# Guidelines for Transfer

The timeline for delivery of these records and office operations is at the discretion of local officials, so long as the transfer is completed on or before July 1, 2008.

*Our field reports indicate this went smoothly.*

**April 14, 2008 DLGF Memorandum: Transfer of Records, Property, Obligations and Funds to County Assessor**



# Guidelines for Transfer

Elected township assessors and all trustee assessors must immediately catalogue, inventory and organize all assessing records and office operations for delivery to the county assessor on or before July 1, 2008.

*Our field reports indicate this went smoothly.*

**April 14, 2008 DLGF Memorandum: Transfer of Records, Property, Obligations and Funds to County Assessor**



# Upcoming Rules

- Personal Property Rule
- Mobile Home Rule
- Homestead Standard Deduction
- 2007 IAAO Standard on Ratio Studies incorporated into 50 IAC 14 and 50 IAC 21
- Rule on model homes and developer deduction for pay-2010



# Personal Property Defined

- Billboards and other advertising devices located on real property that is not owned by the device owner
- Motor vehicles, mobile homes, airplanes, boats not subject to the boat excise tax and trailers not subject to the trailer tax

**IC 6-1.1-1-11**





# Personal Property Defined

- Foundations on which machinery or equipment is installed that is:
  - (a) held for sale in the ordinary course of a trade or business;
  - (b) held, used or consumed in connection with the production of income; or
  - (c) held as an investment
- All other tangible property which is being held as an investment or is depreciable personal property
- Mobile homes that do not qualify as real property and are not described as all other tangible property

**IC 6-1.1-1-11**



# Not Personal Property

- Commercially planted and growing crops while in the ground
- Computer application software
- Inventory



# Exempt Property

- Commercial vessel subject to net tonnage tax
- Motor vehicle or trailer subject to annual license tax
- Motorized boat or sailboat subject to the boat excise tax
- Property used by a cemetery if the cemetery:
  - Does not have a board of directors, board of trustees or other governing authority other than the state or political subdivision
  - Has had no business transaction during the preceding calendar year

**IC 6-1.1-2-7**



# Exempt Property

- Commercial vehicle subject to annual excise tax
- Inventory
- Recreational vehicle or truck camper subject to annual excise tax
- Following types of nonbusiness personal property:
  - All terrain vehicles (ATV); snowmobiles; rowboats, canoes, kayaks and other human powered boats; invalid chairs; yard and garden tractors; trailers not subject to an excise tax; golf carts

**IC 6-1.1-2-7**



# Exempt Property

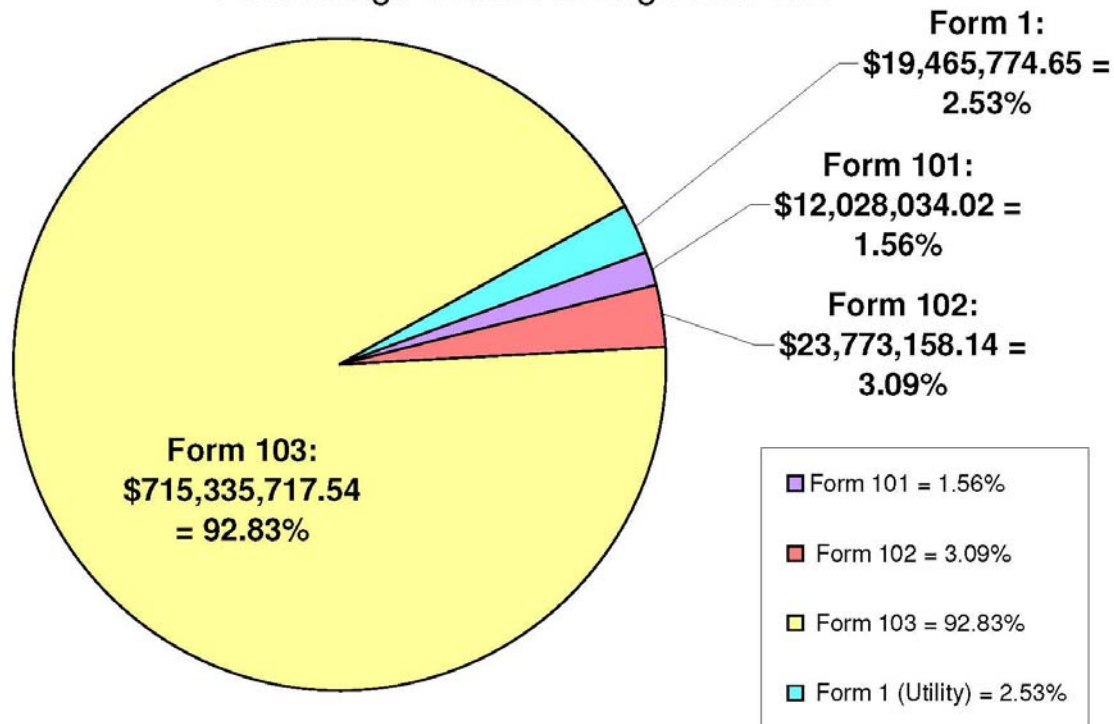
As a result of this expanded list of property exempt from property assessment and taxation, the Form 101 is unnecessary and will no longer be used.

**IC 6-1.1-2-7 and HEA 1125**



# Form 101

Business & Individual Personal Property as a Percentage of the Average Net Tax





# Conclusion

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# For More Information

Tim Rushenberg

[trushenberg@dlgf.in.gov](mailto:trushenberg@dlgf.in.gov)

317-233-6770